

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION and
SPIRIT AIRLINES, INC.,

Defendants.

Civil Action No. 1:23-cv-10511-WGY

**PLAINTIFFS' MOTION IN LIMINE
REGARDING PURPORTED OUT-OF-MARKET BENEFITS**

Pursuant to Federal Rules of Evidence 401 and 402, the United States of America, the State of California, the District of Columbia, the State of Maryland, the Commonwealth of Massachusetts, the State of New Jersey, the State of New York, and the State of North Carolina (collectively, "Plaintiffs"), respectfully move this Court for an order precluding Defendants from introducing evidence of purported benefits resulting from JetBlue's acquisition of Spirit in markets where Plaintiffs have not alleged harm. The grounds for this motion are fully set forth in the accompanying memorandum of law.

Dated: September 11, 2023

Respectfully submitted,

/s/ Edward W. Duffy

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Commonwealth of Massachusetts, and the District of
Columbia, and on behalf of all Plaintiffs*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), I hereby certify that Plaintiffs conferred with counsel for Defendants in a good-faith effort to resolve or narrow the issues presented in this motion prior to filing. Defendants confirmed that they oppose the motion.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

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